

July 3, 1997

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON

700 Central Building  
810 Third Avenue  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

REPORT AND DECISION ON APPEAL OF NOTICE AND ORDER.

SUBJECT: Department of Development and Environmental Services File No. **E90C0458**

**MELANIE & GREG FEARS**  
Code Enforcement Appeal

Location: 12834 - 480th Avenue SE, North Bend

Appellants: Melanie & Greg Fears  
PO Box 265  
North Bend, WA 98045

SUMMARY OF RECOMMENDATIONS AND DECISION:

Division's Preliminary Recommendation:	Deny appeal; modify Notice and Order
Division's Final Recommendation:	Same as above
Examiner's Decision:	Same as above

PRELIMINARY MATTERS:

Notice of appeal received by Examiner:	May 23, 1997
Statement of appeal received by Examiner:	May 23, 1997

EXAMINER PROCEEDINGS:

Hearing Opened:	July 2, 1997
Hearing Closed:	July 2, 1997

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Building permits

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On April 24, 1997, the King County Department of Development and Environmental Services issued a Notice of King County Code Violation: Civil Penalty Order: Abatement Order: Notice of Lien: Duty to Notify ("Notice and Order") to Melanie Fears, for property located at 12834 - 480th Avenue SE. The property was cited for "addition to or remodeling of a mobile home without required permits and inspections". Mr. and Mrs. Fears have filed a timely appeal to the Notice and Order.
2. There are no contested issues with respect to this appeal. Mr. and Mrs. Fears are in the process of obtaining funds to bring the property into compliance.
3. Mr. and Mrs. Fears and the Code Enforcement staff have agreed to extend by ninety (90) days the deadline for applying for required King County building permits and a mobile home alteration permit from the Washington State Department of Labor and Industries.

CONCLUSIONS:

1. The appellants' residence was substantially altered without a required building permit as mandated by applicable County codes. The Notice and Order issued to Mr. and Mrs. Fears must be sustained.

DECISION:

The appeal is DENIED.

ORDER:

1. No penalties shall be assessed against the appellants or their property if they have submitted complete applications for required King County building permits and a mobile home alteration permit from Washington State Department of Labor and Industries (or obtained a waiver thereof) on or before ninety (90) days from the date of this Order.
2. A further extension of this deadline may be requested by the appellants based on their submission to the Hearing Examiner and to DDES Code Enforcement staff of a written statement outlining their good faith efforts to bring the property into compliance.

ORDERED this 3rd day of July, 1997.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 3rd day of July, 1997, by certified mail, to the following parties:

Greg and Melanie Fears  
PO Box 265  
North Bend, WA 98045

TRANSMITTED this 3rd day of July, 1997, to the following:

Ken Dinsmore, DDES/Building Services Division  
Steve Wright, DDES/Building Services Division

#### NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless within twenty (20) days from the date of the decision an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the decision.

#### MINUTES OF THE JULY 2, 1997 PUBLIC HEARING ON DEPARTMENT AND DEVELOPMENT FILE NO. E90C0458 -- FEARS:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Greg Fears, Melanie Fears, and Steve Wright.

The following exhibits were offered and entered into the record:

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|---------------|---|
| Exhibit No. 1 | Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the July 2, 1997 public hearing |
| Exhibit No. 2 | Copy of Notice and Order issued April 24, 1997  |
| Exhibit No. 3 | Copy of Appeal received May 8, 1997   |
| Exhibit No. 4 | Copy of letter dated November 19, 1996 to Melanie Fears from King County Code Enforcement Section   |
| Exhibit No. 5 | Copy of letter dated February 5, 1997 from King County Code Enforcement Section   |
| Exhibit No. 6 | Polaroid photos of residence taken in 1990  |
| Exhibit No. 7 | Four photos of residence taken in 1997 by appellants  |

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